

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-22 Cancelled

Claim 23. (Currently Amended) A process for mediating cytotoxicity of a human tumor cell which expresses a CD44 antigenic moiety on the cell surface, which antigenic moiety is characterized as being bound recognized by the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 or an antigen binding fragments thereof fragment produced from said isolated monoclonal antibody comprising:

contacting said human tumor cell with said isolated monoclonal antibody or said antigen binding fragment [[thereof]], which enables binding whereby cytotoxicity occurs as a result of binding of said isolated monoclonal antibody or said antigen binding fragments thereof fragment with said expressed CD44 antigenic moiety ;—  
— whereby cell cytotoxicity occurs as a result of said binding.

Claim 24. (Currently Amended) The process of claim 23 wherein [[said]] the human tumor cell is contacted with a isolated monoclonal antibody or antigen binding fragments thereof are humanized antibody of the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC under Accession Number PTA-4621 or an antigen binding fragment produced from said humanized antibody.

Claim 25. (Currently Amended) The process of claim 23 wherein said isolated monoclonal antibody or said antigen binding ~~fragments thereof~~ fragment are conjugated with a member selected from the group consisting of cytotoxic moieties, enzymes, radioactive compounds, and hematogenous cells.

Claim 26. (Currently Amended) The process of claim 23 wherein the human tumor cell is contacted with a [[said]] isolated monoclonal or antigen binding fragments thereof are chimeric chimerized antibody of the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC under Accession

Number PTA-4621 or an antigen binding fragment produced from said chimeric antibody.

Claim 27. Cancelled

Claim 28. (Previously Presented) The process of claim 23 wherein the human tumor cell is obtained from a tumor originating in a tissue selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 29. (Withdrawn and Currently Amended) A binding assay to determine [[a]] the presence of cells which express a CD44 antigenic moiety which specifically binds to the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621, or an antigen binding fragment [[thereof]] produced from said isolated monoclonal antibody comprising:

providing a cell sample;

providing the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 or [[an]] said antigen binding fragment [[thereof]] produced from the isolated monoclonal antibody;

contacting said isolated monoclonal antibody or said antigen binding fragment [[thereof]] with said cell sample; and

determining binding of said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample;

whereby the presence of cells which express a CD44 antigenic moiety which specifically binds to said isolated monoclonal antibody or said antigen binding fragment [[thereof]] is determined.

Claim 30. (Withdrawn) The binding assay of claim 29 wherein the cell sample is obtained from a tumor originating in a tissue selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 31. Cancelled

Claim 32. Cancelled

Claim 33. (Withdrawn and Currently Amended) A method of extending survival and delaying ~~disease progression tumor growth~~ by treating a breast tumor in a mammal, wherein said tumor

expresses ~~an antigenic moiety~~ CD44 which is specifically recognized by binds to the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 comprising administering to said mammal said monoclonal antibody or an antigen binding fragment [[thereof]] produced from said monoclonal antibody in an amount effective to reduce said mammal's tumor burden, whereby ~~disease progression tumor growth~~ is delayed and survival is extended.

Claim 34. (Withdrawn and Currently Amended) The method of claim 33 wherein said isolated monoclonal antibody or said antigen binding fragment [[thereof]] is conjugated to a cytotoxic moiety.

Claim 35. (Withdrawn) The method of claim 34 wherein said cytotoxic moiety is a radioactive isotope.

Claim 36. (Withdrawn and Currently Amended) The method of claim 33 wherein said isolated monoclonal antibody or antigen binding fragment thereof activates complement.

Claim 37. (Withdrawn and Currently Amended) The method of claim 33 wherein said isolated monoclonal antibody ~~or antigen binding fragment thereof~~ mediates antibody dependent cellular cytotoxicity.

Claim 38. Cancelled

Claim 39. (Withdrawn) The method of claim 33 wherein  
[[said]] the antibody or antigen binding fragments thereof are is  
a humanized antibody of the isolated monoclonal antibody produced  
by the hybridoma deposited with the ATCC under Accession Number  
PTA-4621 or an antigen binding fragment produced from said  
humanized antibody.

Claim 40. (Withdrawn) The method of claim 23 wherein  
[[said]] the monoclonal antibody or antigen binding fragments  
thereof are is a chimeric chimerized antibody of the isolated  
monoclonal antibody produced by the hybridoma deposited with the  
ATCC under Accession Number PTA-4621 or an antigen binding  
fragment produced from said chimeric antibody.

Claim 41. Cancelled

Claim 42. Cancelled

Claim 43. Cancelled

Claim 44. (Currently Amended) The binding assay of claim 29  
wherein ~~said monoclonal antibody or antigen binding fragment~~  
~~thereof is a humanized antibody~~ the antibody is a humanized  
antibody of the isolated monoclonal antibody produced by the  
hybridoma deposited with the ATCC under Accession Number PTA-4621  
or an antigen binding fragment produced from said humanized  
antibody.

Claim 45. (Currently Amended) The binding assay of claim 29  
wherein ~~said monoclonal antibody or antigen binding fragment~~  
~~thereof is a chimerized antibody~~ the antibody is a chimeric  
antibody of the isolated monoclonal antibody produced by the  
hybridoma deposited with the ATCC under Accession Number PTA-4621  
or an antigen binding fragment produced from said chimeric  
antibody.

Claim 46. Cancelled

Claim 47. Cancelled

Claim 48. Cancelled